

REMARKS

The Office Action mailed October 21, 2004 has been carefully reviewed. In the subject Office Action, the Examiner objected to the drawings and the specification. The Examiner also rejected all claims under § 103(a) as being unpatentable over Morris et al. (U.S. Publication No. 2004/0120148) alone or in combination with other references.

Applicants have submitted replacement sheets, also under separate cover, to overcome the objections to the drawings. As recommended by the Examiner, applicants have added reference numeral "170" to FIGURE 10 and "208" to FIGURE 18. No new matter has been added to the application. Applicants have also corrected the specification in accordance with the Examiner's suggestions. Therefore, Applicants respectfully request removal of the objections by the Examiner.

As for the claim rejections, the Examiner applied Morris et al. to each claim in the pending application. Morris et al. was filed on December 18, 2002 and was published June 24, 2004. Morris et al. published after Applicants' filing date of December 3, 2003 and therefore can only qualify as prior art under § 102(e).

The subject application Serial No. 10/726,882 and U.S. Publication 2004/0120148, at the time the invention of subject application was made, were owned by the same person or subject to an obligation of assignment. The claimed invention was made by or on behalf of parties to a joint research agreement that was in effect on or before the date the claimed invention was made, the claimed invention was made as a result of activities undertaken within the scope of the joint research agreement, and the application for patent for the claimed invention discloses the names of the parties to the joint research agreement. According to § 103(c) Morris et al. shall not preclude patentability of the subject application. Applicants respectfully request that the Examiner remove the claim rejections and allow the application to issue.

Since the Examiner cannot properly apply Morris et al. to any of the claims pending in the application, Applicants will not respond to any arguments raised by the Examiner in rejecting the claims. The lack of response should not be taken as an admission to the validity of any of the arguments presented by the Examiner.

All formal matters and informal matters having been considered, it is respectfully submitted that the application is in condition for allowance and notice to that effect is earnestly solicited.

Respectfully submitted,

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Date


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